



Docket No.: K2020.0003/P003  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Kunio Moriyama et al.

Application No.: 10/790,849

Confirmation No.: 1916

Filed: March 3, 2004

Art Unit: 1616

For: PARTICLE BEAM THERAPY SYSTEM

Examiner: Not Yet Assigned

**PETITION TO MAKE SPECIAL  
UNDER 37 CFR 1.102(d)**

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby petition to make the above-identified application special under MPEP § 708.02, X. The application has not yet been examined.

The present invention relates to a particle beam therapy system (particle beam treatment system) and a particle beam irradiating method used for the treatment of cancer. The particle beam therapy system comprises a charged particle beam generator, a plurality of treatment rooms in each of which an irradiation unit for irradiating the charged particle beam to the irradiation target (cancerous tumor) is disposed, and a plurality of beam transport systems for transporting the charged particle beam emitted from the charged particle beam generator to said respective irradiation units in said plurality of treatment rooms. At least one of the beam transport systems comprises a shutter for shutting off the charged particle beam. Therefore, the invention falls into the category of Invention Relating to HIV/AIDS and Cancer specified in MPEP §708.02, X.

07/19/2005 HALI11 00000062 10790849

01 FC:1464

130.00 OP

Accordingly, applicant requests that this Petition to Make Special be granted and the application undergo accelerated examination.

Please charge our Credit Card in the amount of \$130.00 covering the fee set forth in 37 CFR 1.17(h). Credit Card Payment Form SB-2038, with a signature from an authorized cardholder, is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1073, under Order No. K2020.0003.

Dated: July 18, 2005

Respectfully submitted,

By *Amanda S. Pitcher*

Mark J. Thronson

Registration No.: 33,082

Amanda S. Pitcher

Registration No.: 54,374

DICKSTEIN SHAPIRO MORIN &

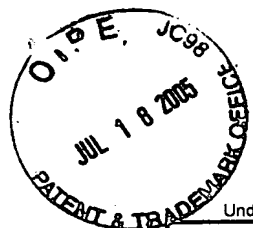
OSHINSKY LLP

2101 L Street NW

Washington, DC 20037-1526

(202) 785-9700

Attorneys for Applicant



PTO/SB/17 (12-04v2)

Approved for use through 7/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

|   |  |                          |                  |
|---|--|--------------------------|------------------|
| <b>Effective on 12/08/2004.</b><br><b>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</b><br><b>FEE TRANSMITTAL</b><br><b>For FY 2005</b> |  | <b>Complete if Known</b> |                  |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27  |  | Application Number       | 10/790,849       |
| <b>TOTAL AMOUNT OF PAYMENT</b> (\$)   |  | Filing Date              | March 3, 2004    |
| 130.00  |  | First Named Inventor     | Kunio Moriyama   |
|   |  | Examiner Name            | Not Yet Assigned |
|   |  | Art Unit                 | 1616             |
|   |  | Attorney Docket No.      | K2020.0003/P003  |

**METHOD OF PAYMENT (check all that apply)**

|   |  |   |                               |   |
|---|--|---|-------------------------------|---|
| <input type="checkbox"/> Check  | <input checked="" type="checkbox"/> Credit Card  | <input type="checkbox"/> Money Order  | <input type="checkbox"/> None | <input type="checkbox"/> Other (please identify): _____ |
| <input checked="" type="checkbox"/> Deposit Account   | Deposit Account Number: <b>04-1073</b> Deposit Account Name: <b>Dickstein Shapiro Morin &amp; Oshinsky LLP</b> |   |                               |   |
| For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)                |  |   |                               |   |
| <input type="checkbox"/> Charge fee(s) indicated below  |  | <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee |                               |   |
| <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 |  | <input checked="" type="checkbox"/> Credit any overpayments                       |                               |   |

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) |                |
| Utility          | 300         | 150                   | 500         | 250                   | 200              | 100                   |                |
| Design           | 200         | 100                   | 100         | 50                    | 130              | 65                    |                |
| Plant            | 200         | 100                   | 300         | 150                   | 160              | 80                    |                |
| Reissue          | 300         | 150                   | 500         | 250                   | 600              | 300                   |                |
| Provisional      | 200         | 100                   | 0           | 0                     | 0                | 0                     |                |

**2. EXCESS CLAIM FEES**

| Fee Description                                    | Fee (\$) | Small Entity Fee (\$) |
|--|----------|-----------------------|
| Each claim over 20 (including Reissues)            | 50       | 25                    |
| Each independent claim over 3 (including Reissues) | 200      | 100                   |
| Multiple dependent claims                          | 360      | 180                   |

|                      |                     |                 |                      |                                      |
|----------------------|---------------------|-----------------|----------------------|--------------------------------------|
| <u>Total Claims</u>  | <u>Extra Claims</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> | <u>Multiple Dependent Claims</u>     |
| _____ - 20 = _____   | x _____             | = _____         |                      | <u>Fee (\$)</u> <u>Fee Paid (\$)</u> |
| <u>Indep. Claims</u> | <u>Extra Claims</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |                                      |
| _____ - 3 = _____    | x _____             | = _____         |                      |                                      |

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

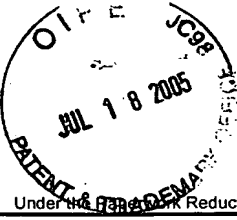
| Total Sheets        | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|---------------------|--------------|--|----------|---------------|
| _____ - 100 = _____ | /50          | _____ (round up to a whole number) x _____       | = _____  |               |

**4. OTHER FEE(S)**

|  | Fees Paid (\$) |
|--|----------------|
| Non-English Specification, \$130 fee (no small entity discount)                          |                |
| Other (e.g., late filing surcharge): 1464 Petitions to the Director not specifically ... | 130.00         |

**SUBMITTED BY**

|                   |                       |                                   |                 |           |                |
|-------------------|-----------------------|-----------------------------------|-----------------|-----------|----------------|
| Signature         | <i>A. P. Thronson</i> | Registration No. (Attorney/Agent) | 33,082          | Telephone | (202) 775-4742 |
| Name (Print/Type) | Mark J. Thronson      |                                   | <i># 54,394</i> | Date      | <i>7/14/05</i> |



Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

|  |                               |                  |
|--|-------------------------------|------------------|
| <b>PETITION FEE</b><br><b>Under 37 CFR 1.17(f), (g) &amp; (h)</b><br><b>TRANSMITTAL</b><br>(Fees are subject to annual revision)<br><br><b>Send completed form to:</b><br>Commissioner for Patents<br>P.O. Box 1450<br>Alexandria, VA 22313-1450 | <b>Application Number</b>     | 10/790,849       |
|  | <b>Filing Date</b>            | March 3, 2004    |
|  | <b>First Named Inventor</b>   | Kunio Moriyama   |
|  | <b>Art Unit</b>               | 1616             |
|  | <b>Examiner Name</b>          | Not Yet Assigned |
|  | <b>Attorney Docket Number</b> | K2020.0003/P003  |

Enclosed is a petition filed under 37 CFR 1.102(d) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition fees).

- ☐ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. \_\_\_\_\_ :
- ☐ Petition fee under 37 CFR 1.17(f), (g) or (h) ☒ Any deficiency of fees and credit of any overpayments
- Enclose a duplicative copy of this form for fee processing.
- ☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.
- ☒ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.53(e) – to accord a filing date.
- § 1.57(a) – to accord a filing date.
- § 1.182 – for decision on a question not specifically provided for.
- § 1.183 – to suspend the rules.
- § 1.378(e) – for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) – to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

- § 1.12 – for access to an assignment record.
- § 1.14 – for access to an application.
- § 1.47 – for filing by other than all the inventors or a person not the inventor.
- § 1.59 – for expungement of information.
- § 1.103(a) – to suspend action in an application.
- § 1.136(b) – for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 – for review of refusal to publish a statutory invention registration.
- § 1.296 – to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 – for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) – for patent owner requests for extension of time in ex parte reexamination proceedings.
- § 1.956 – for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 5.12 – for expedited handling of a foreign filing license.
- § 5.15 – for changing the scope of a license.
- § 5.25 – for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

- § 1.19(g) – to request documents in a form other than that provided in this part.
- § 1.84 – for accepting color drawings or photographs.
- § 1.91 – for entry of a model or exhibit.
- § 1.102(d) – to make an application special.
- § 1.138(c) – to expressly abandon an application to avoid publication.
- § 1.313 – to withdraw an application from issue.
- § 1.314 – to defer issuance of a patent.

*Aminda S. Pitcher*

Signature

7/18/04

Date

Mark J. Thronson

*A. Pitcher*

33,082

34,374

Typed or printed name

Registration No., if applicable